

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE Nicki M. Todaro Debtor	Bankruptcy No. 19-23010-CMB Adversary No. 20-2035-CMB  Chapter 13
Nicki M. Todaro Plaintiff v.  Wells Fargo Bank, N.A. Defendant	PNC Bank, NA's Answer to Third Party Complaint
Wells Fargo Bank, N.A. Third Party Plaintiff  v.  PNC Bank, N.A. Third Party Defendant	

PNC BANK, NA'S ANSWER TO THIRD PARTY COMPLAINT

PNC Bank, N.A., by and through its counsel hereby answers the adversary complaint as follows:

- (1) Admitted.
- (2) Admitted.
- (3) The documents speak for themselves. To the extent an answer is required, admitted.
- (4) Admitted.
- (5) Denied.
- (6) Third Party Defendant is within sufficient information or belief to admit or deny the assertion of this paragraph and leave Third Party Plaintiff to its proofs.
- (7) Denied.
- (8) Denied.
- (9) Denied.

(10) Denied.

(11) Denied. Any negligence in this matter was solely at the hands of Third Party

Plaintiff, Wells Fargo in failing to require that the subject line of credit be closed.

(12) Denied.

(13) Denied.

(14) Denied.

(15) Denied.

(16) Denied.

(17) Denied.

(18) Denied.

(19) Denied.

(20) Denied.

#### COUNT 1 Equitable Subrogation

(21) A response is not required to this paragraph.

(22) Denied.

(23) Denied.

(24) Denied.

(25) Denied.

(26) Denied.

(27) Denied.

(28) Denied.

Wherefore, Third Party Defendant, PNC Bank, N.A., respectfully requests that this Honorable Court enter judgment dismissing the Third Party Complaint and for any other relief the Court finds just and proper.

Count II – Unjust Enrichment

- (29) This is not a paragraph to which a response is required.
- (30) Denied.
- (31) Denied.
- (32) Denied.
- (33) Denied.
- (34) Denied.

Wherefore, Third Party Defendant, PNC Bank, N.A., respectfully requests that this Honorable Court enter judgment dismissing the Third Party Complaint and for any other relief the Court finds just and proper.

COUNT III – Fraud/Bad Faith

- (35) This is a paragraph to which a response is not required.
- (36) Denied.
- (37) Denied.
- (38) Denied.
- (39) Denied.
- (40) Denied.
- (41) Denied.
- (42) Denied.
- (43) Denied.
- (44) Denied.
- (45) Denied.

Wherefore, Third Party Defendant, PNC Bank, N.A., respectfully requests that this Honorable Court enter judgment dismissing the Third Party Complaint and for any other relief the Court finds just and proper.

COUNT IV - Mistake

- (46) This is a paragraph to which no response is required.
- (47) Denied.
- (48) Denied.
- (49) Denied.
- (50) Denied.

Wherefore, Third Party Defendant, PNC Bank, N.A., respectfully requests that this Honorable Court enter judgment dismissing the Third Party Complaint and for any other relief the Court finds just and proper.

COUNT IV – Quiet Title

- (51) This is a paragraph to which no response is required.
- (52) Admitted.
- (53) Denied.
- (54) Denied.
- (55) Denied.
- (56) Denied.
- (57) Denied.

Wherefore, Third Party Defendant, PNC Bank, N.A., respectfully requests that this Honorable Court enter judgment dismissing the Third Party Complaint and for any other relief the Court finds just and proper.

Respectfully Submitted,

/s/ Brian C. Nicholas, Esq.

Dated: 2/25/2021

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